

IN RE: PETITION FOR SPECIAL HEARING
E/S York Road, 733.44' NW of
the c/1 of Roundridge Road
(2301 York Road)
8th Election District
3rd Councilmanic District
Parkway Machine Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-312-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioner requests approval of an amendment to the previously approved petition and site plan filed in Case No. 3903, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Ed Kovens, President, appeared, testified and was represented by John B. Gontrum, Esquire. Also appearing and testifying on behalf of the Petitioner was Melvin Tapper with Tapper Constuction Company, Inc. Appearing as Protestants in the matter were A. Harry Oleynick, Laurel A. Oleynick and William Gilmore Smith.

Testimony indicated that the subject property, known as 2301 York Road, consists of 6.170 acres, more or less, zoned M.R. and is improved with a 44,000 sq.ft. concrete block building. Said property was the subject of previous Case No. 3903 in which the then Petitioner, Fawn Plastics Company, Inc., was granted approval, subject to restrictions, to develop the property with the existing one-story masonry building on September 18, 1956. Testimony indicated that the instant Petitioner, Parkway Machine Company, acquired the property approximately 15 years ago and has operated a gumball machine manufacturing business out of the premises since that time. The Petitioner is now desirous of constructing a one-story, 17,256

sq.ft. addition to the rear of the existing building in accordance with that depicted on Petitioner's Exhibit 1.

Ed Kovens testified that the gumball machines manufactured at the subject site are distributed all over the world. He testified that the proposed addition is necessary to provide additional office, warehouse and assembly space due to increasing demand for his product. Mr. Kovens testified that his company employs many individuals with developmental disabilities and handicaps and indicated that the proposed addition will provide more employment opportunities for those persons with handicap conditions. Mr. Kovens introduced letters of support from four organizations for the handicapped marked Petitioner's Exhibits 3A, 3B, 3C and 3D. Petitioner also introduced a photograph of the interior of the existing structure, showing the assembly of these machines, marked Petitioner's Exhibit 2.

Mel Tapper testified concerning the proposed improvements. He testified that there will be no windows or doors along the rear wall of the proposed addition facing the adjoining residential area. Mr. Tapper testified that the proposed addition will be built into the hillside of the property, thereby exposing only 12 feet, more or less, of the rear wall of this addition above-grade. He testified that while the heating and air conditioning units will be installed on the roof of the proposed addition, it will be possible to situate these units in such a manner that the exhaust fan will be directed towards York Road and away from adjoining residential properties located to the east and rear of the subject site. This would help minimize any noise that may result from the use of these units.

Appearing and testifying in opposition to the Petitioner's request were concerned citizens from the surrounding community. Their cumulative testimony indicated that while they are very happy with the use at this

location, they are concerned about future expansion of the property and the effect it may have on their neighborhood. One of the concerns raised was the amount of noise, if any, which may result from the heating and air conditioning units being situated on the roof of the proposed addition and the effect this may have on their community. The Protestants were also concerned about access to the property from the rear of this site. The Petitioner agreed to situate these units in such a manner so as to minimize to the extent possible, any and all noise which may be created by these units. The Protestants were also assured that there will be no access to the rear of this addition.

The issue of whether this matter had to go before the Planning Board for their approval was discussed at the hearing. It was determined that this project did not need Planning Board approval due to the fact that it was an addition to an existing structure in an M.R. zone. This is in contradiction to the comments submitted by Jeffrey Long of the Office of Planning dated March 10, 1992. However, subsequent to the hearing, I discussed this matter with Mr. Long and he informed me that his Office is in agreement that this matter does not need Planning Board approval.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1992 that the Petition for Special Hearing to approve an amendment to the previously approved petition and site plan filed in Case No. 3903, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) There shall be no doors or windows on the east side (rear) of the proposed addition. Further, there shall be no access to the building from the rear of the proposed addition.
- 3) The heating and air conditioning units shall be installed on the roof of the proposed addition in such a manner so that the exhaust fan is directed towards York Road and away from the adjoining residential properties to the east of this site. In the event it is not possible to situate these units in this fashion, then the Petitioner shall provide some type of screening on the roof of the proposed addition to help mitigate any noise which may be caused by these units.
- 4) Any and all exterior lights used to illuminate this site shall be directed away from and not reflect onto any adjoining residential properties.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date: 4/9/92 By: [Signature]

TMK:bjs

ORDER RECEIVED FOR FILING

Date: 4/9/92 By: [Signature]

ORDER RECEIVED FOR FILING

Date: 4/9/92 By: [Signature]

- 3 -

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 3/20/92
Posted for: Special Hearing
Petitioner: Parkway Machine Corp.
Location of property: 2301 York Rd.
Location of Sign: Between York Rd. and Green Spring Dr. on York Rd. at 2301 York Rd.
Remarks: See Case No. 92-312-SPH
Posted by: [Signature] Date of return: 3/20/92
Number of Signs: 1

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-312-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____
an Amended Petition and Site Plan (See Case # 92-312-SPH)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and Ordinances of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of this property which is the subject of this Petition.

Contract Purchaser/Lessee:	Legal Owner(s):
(Type or Print Name)	Parkway Machine Corporation
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	1930 Greenspring Drive 252-1020
John B. Gontrum	Address Phone No.
(Type or Print Name)	Timonium, Maryland 21093
Signature	City and State
814 Eastern Boulevard	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
Baltimore, MD 21221	Address Phone No.
City and State	
Attorney's Telephone No.: 686-8274	

ORDER RECEIVED FOR FILING

Date: 4/9/92 By: [Signature]



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHERS
REVIEWED BY: DATE

PROPERTY DESCRIPTION 2301 YORK ROAD

92-312-SPH

All that parcel or parcels of land located in the County of Baltimore, State of Maryland, and being known and designated as Lot Nos. 4 & 5, as shown on a Plat entitled "Stratford Industrial Site", which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, folio 36, and more particularly described as follows:

Beginning at a point 79 feet East of the centerline of York Road, 66 feet wide, at a distance of 733.44 feet Northwesterly from the centerline of Roundridge Road and running thence N 18 30' 21" 80.21 feet to a point; thence running Northwesterly along a curve having a radius of 465 feet for a distance of 250.78 feet; thence running Northwesterly along a curve having a radius of 82.00 feet for a distance of 41.84 feet; thence running N 72 57' 30" E 630.79 feet to a point; thence running S 02 02' 46" W 550 feet to a point; thence running due West 547.61 feet to the place of beginning; containing 6.170 acres. The improvements thereon being known as 2301 York Road, in the 8th Election District.

Together with the right to the use in common with others entitled thereto of the service road leading to and from York Road and designated as "Widening for Service Road" on a Plat entitled "Stratford Industrial Site" which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, Folio 36, all as set forth in a Deed dated December 15, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3935, Folio 583, between The Star Construction Company, et al, and Fawn Plastics Company, Inc.

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 9, 1992

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
E/S York Road, 733.44' NW of the c/1 of Roundridge Road
(2301 York Road)
8th Election District - 3rd Councilmanic District
Parkway Machine Corporation - Petitioner
Case No. 92-312-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. A. Harry Oleynick
Mr. Laurel A. Oleynick
12 Yorkview Drive, Timonium, Md. 21093
Mr. William Gilmore Smith
18 Yorkview Drive, Timonium, Md. 21093
People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 5, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 5, 1992

TOWSON TIMES.

[Signature]
Publisher

NOTICE OF HEARING
The Zoning Board of Baltimore County, by authority of the Zoning Act and Ordinance of Baltimore County, will hold a public hearing on the property described herein at Room 113, 400 Washington Avenue, Towson, Maryland 21204, on the following date:
Case Number: 92-312-SPH and 11-188-SPH
2301 York Road
8th Election District
3rd Councilmanic District
Petitioner: Parkway Machine Corporation
Hearing Date: Tuesday, March 31, 1992 at 9:00 A.M.
Special Hearing to approve an amended petition and site plan (see case #92-312-SPH)
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
TJW/SOH March 5

51 82.86

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 5, 1992

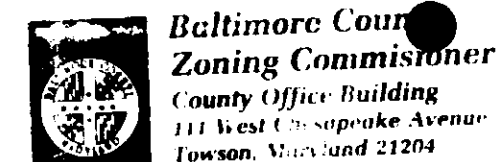
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 5, 1992

THE JEFFERSONIAN,

S. Zake Orlan
Publisher

482.86

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property located in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204, on Tuesday, March 11, 1992, at 9:00 a.m.
Case Number: 92-312-SPH and 91-189-SPH
2301 York Road
8th Election District
3rd Councilmanic District
Petitioner(s): Parkway Machine Corporation
Hearing: Tuesday, March 11, 1992, at 9:00 a.m.
Special Hearing: To approve an amended petition and site plan (prior case #3903).
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
TT-33049 March 5



Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Date: 3-27-92
Account: R-001-6150
Number
Upper construction on
Revised 5 to plan
for zoning hearing
2301 York Rd

Cashier Validation

Please Make Checks Payable To Baltimore County

receipt

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/9/92

Parkway Machine Corporation
1930 Greening Drive
Timonium, Maryland 21093

RE:
CASE NUMBER: 92-312-SPH and 91-189-SPH
2301 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Parkway Machine Corporation

Dear Petitioner(s):

Please be advised that \$ 107.86 is due for advertising and posting of the above captioned property.

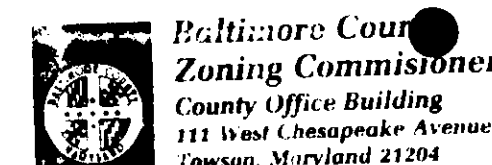
THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

cc: John Gontrum, Esq.

Printed on Recycled Paper

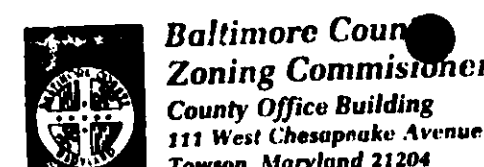


Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Date
Account: R-001-6150
Number

Cashier Validation

Please Make Checks Payable To Baltimore County

receipt



Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Date: 2/20/92
Account: R-001-6150
Number
SPECIAL HEARING \$175.00
2301 York Road
8th Election District
Legal Owner: Parkway Machine Corp.

Please Make Checks Payable To Baltimore County \$175.00
CA 00126P002-20-92

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 17, 1992

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

RE: Item No. 327, Case No. 92-312-SPH
Petitioner: Parkway Machine Corp.
Petition for Special Hearing

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
24th day of February, 1992.

ARNOLD JABLON
DIRECTOR

Received By:

W. Gontrum Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Parkway Machine Corp., et ux
Petitioner's Attorney: John B. Gontrum

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: March 10, 1992
FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning
SUBJECT: Parkway Machine, Case No. 92-312

In reference to the Applicant's request, the staff offers the following comments:

The Petitioner's site is located within an M.R. (Manufacturing Restricted) zone. Pursuant to Section 240.3 of the Baltimore County Zoning Regulations, the Baltimore County Planning Board must review development within the M.R. zone and make a recommendation to the Zoning Commissioner.

Since a plan has not been filed with the Director of Planning for Planning Board review prior to the scheduled zoning hearing on March 31, 1992, the hearing should be continued to allow for both Planning Board review and reviewing and processing through the Baltimore County Development Process, if required.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long
Jeffrey Long

GLK/JL:rdn
CASE312/TXTROZ

RECEIVED
MAR 11 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 18, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 25, 1992

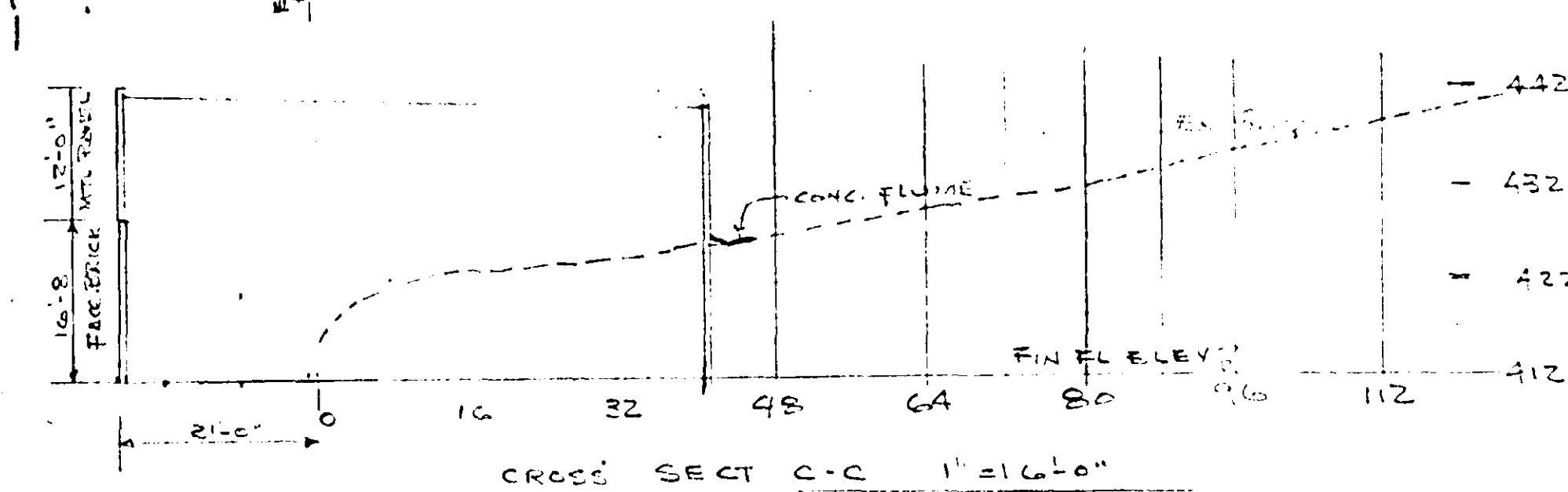
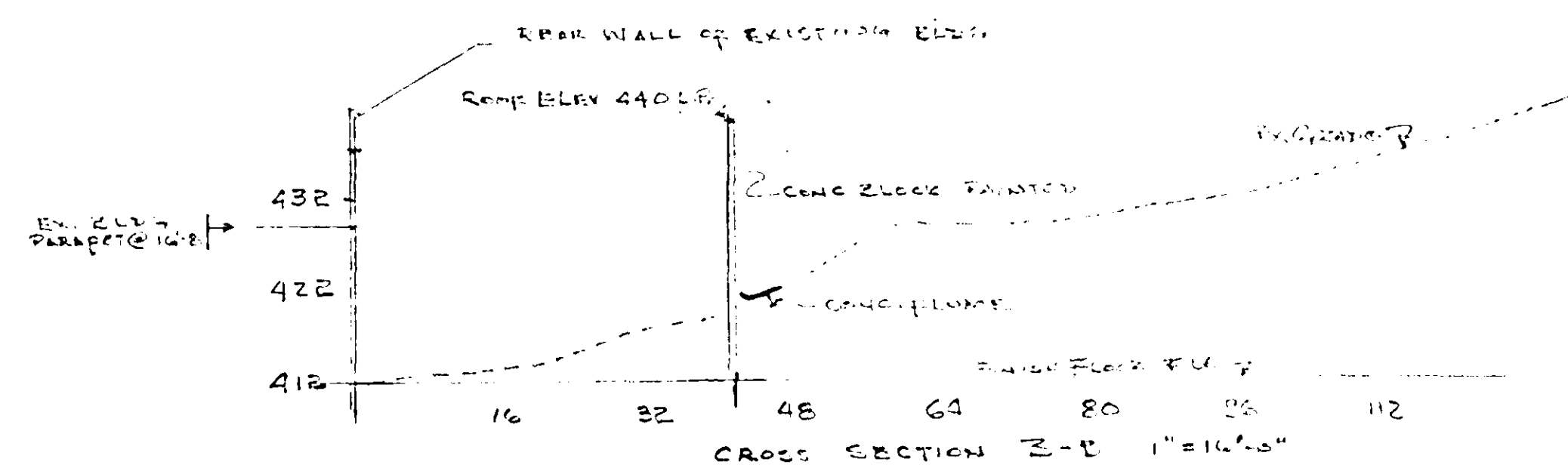
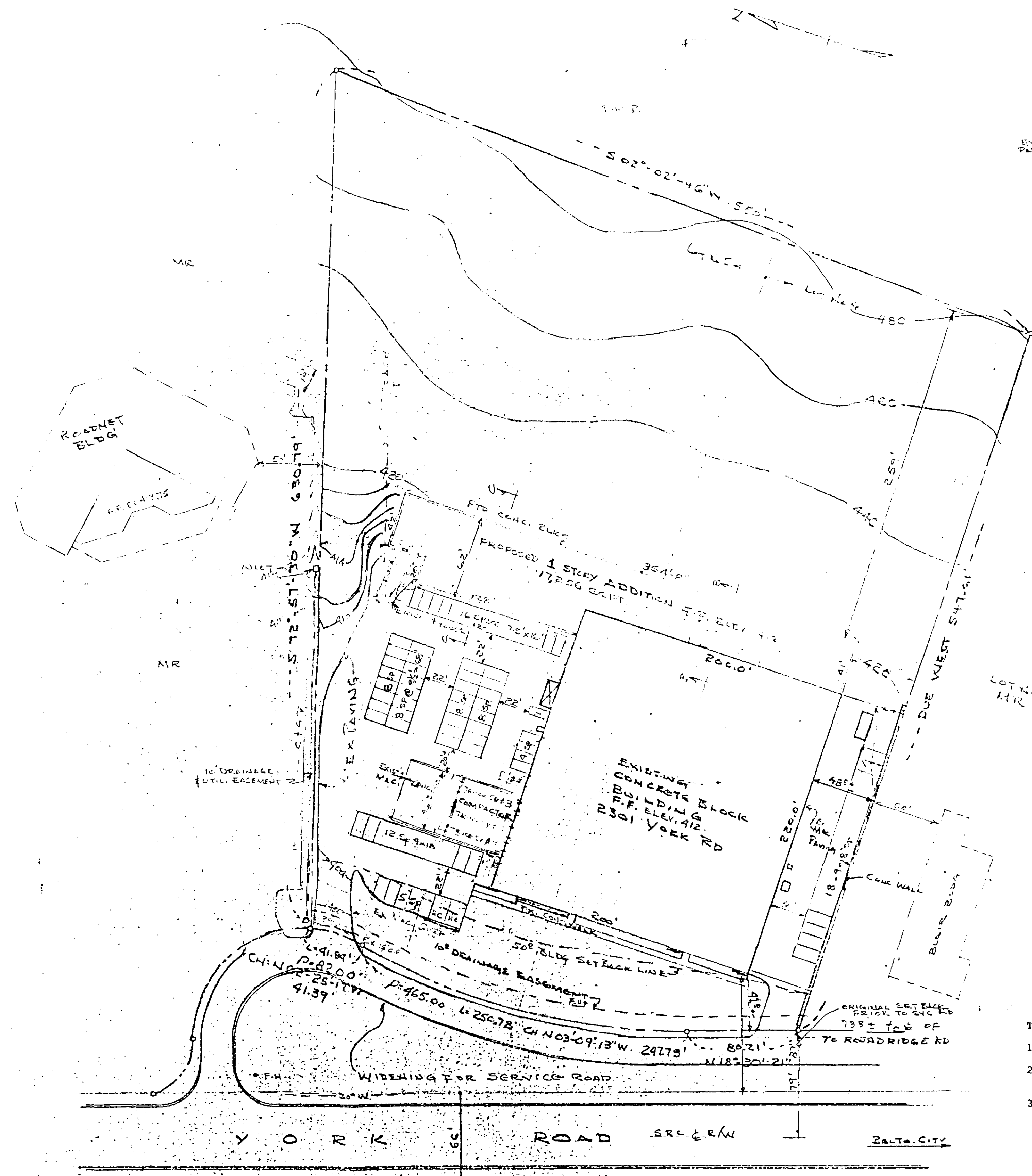
This office has no comments for item numbers 318, 321, 322, 323 and 327.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJP/lvd

RECEIVED
MAR 18 1992
ZONING OFFICE

Printed on Recycled Paper



ORDER OF THE JONING COMMISSIONER
OF BALTIMORE COUNTY

It is this 18th day of September, 1996, by the Zoning Commissioner of Baltimore County, ORDERED that the Development Plan filed herein and marked "Approved Development Plan for Fawn Plastics Co., Inc.," be and the same is hereby approved subject to the following conditions:

1. That Fawn Plastics Co., Inc., will build and maintain that portion of the proposed service road fronting on its property and as shown on said Development Plan when directed to do so by the Department of Public Works of Baltimore County.
2. That screening and planting will be carried out in accordance with said Development Plan.
3. That buildings and grounds shall be continually maintained so that they will not adversely affect vicinal properties.

DEPARTMENT OF PLANNING
Zoning Commissioner of
Baltimore County

Last improvements: 12/6/91
Permit # B112657
Control # C-2223-91

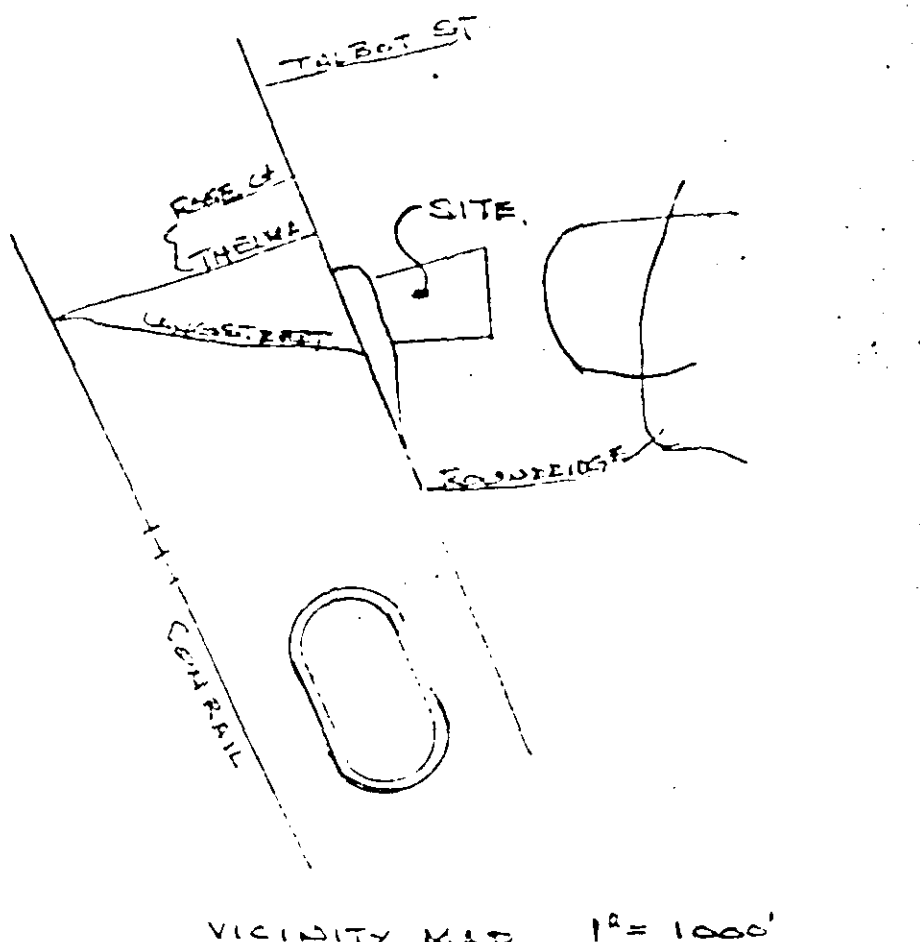
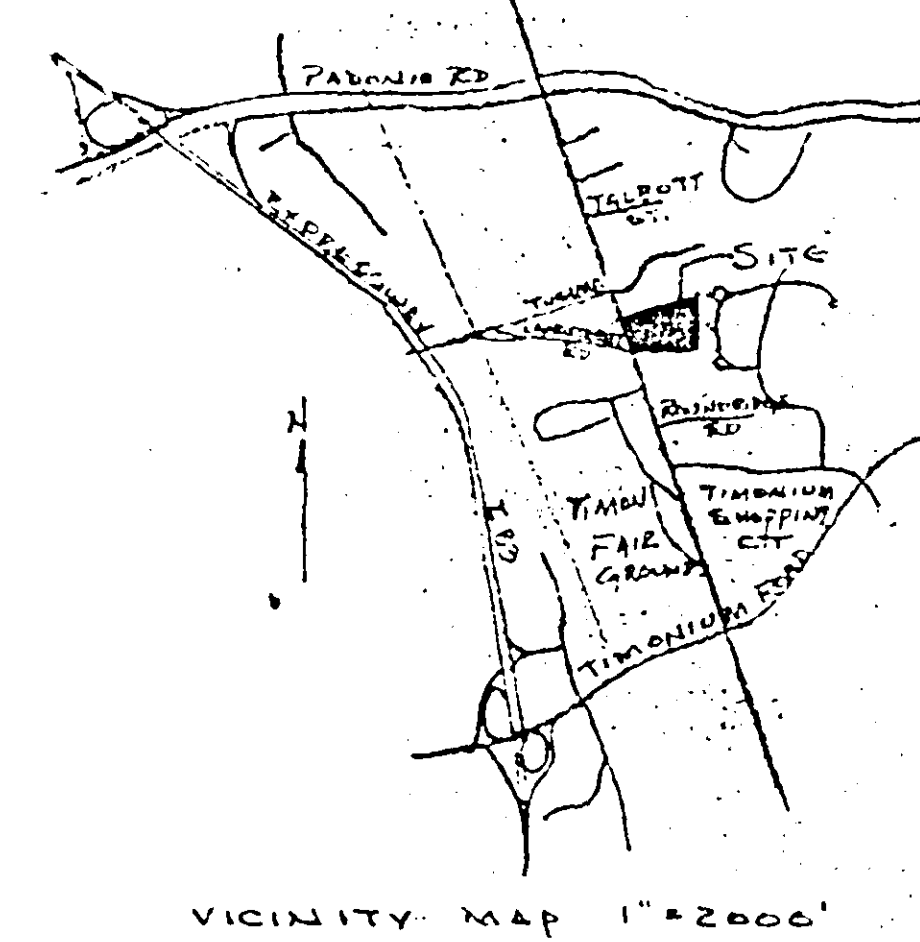
TRAFFIC INFORMATION

1. YORK ROAD & PADONIA RD. - Level of Service = D
2. AVERAGE DAILY TRIPS GENERATED BY MANUFACTURING ZONING: 6,442 Acres x 100 = 644.2 A.D.T.
3. The trip distribution North and South on York Road will be approximately equal, i.e., 50% or 322 Average Daily Trips each way.

GENERAL NOTES:

1. ALL PAVING IS EXISTING.
2. THE SITE IS LOCATED WITHIN THE DAM RUN DRAINAGE AREA.
3. HOURS OF OPERATION: 7:00 A.M. to 6:00 P.M. - 5 DAYS/WEEK.
4. PROPOSED USE OF ADDITION - WAREHOUSE.
5. EXISTING USE OF EXISTING BUILDING - WAREHOUSE, ASSEMBLY & OFFICE.
6. NUMBER OF EMPLOYEES - 41 (anticipated).
7. ALL UTILITIES ARE EXISTING - NO NEW SANITARY FACILITIES ARE NEEDED.
8. EXISTING BUILDING IS SPRINKLERED; PROP. ADD. IS TO BE SPRINKLERED.
9. THERE ARE NO KNOWN ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS OR CRITICAL AREAS ON THIS SITE.
10. LIGHTING OF EXISTING PARKING LOT TO BE BY WALL PACKS MOUNTED ON THE WALLS OF THE NEW ADDITION AND EXISTING BUILDING.

D. SIGN ARE TO BE PLACED AT THE ENTRANCE TO THE SITE AND AT THE INTERSECTION OF YORK ROAD AND PADONIA RD.



OFF STREET PARKING DATA

OFFICE: 6500' x 33' / 1000' = 22 SPACES
WAREHOUSE: SHIPPING & RECEIVING: 12 SPACES
TOTAL SPACES REQUIRED = 34 SPACES
TOTAL SPACES PROVIDED:
STANDARD (8' x 9') = 72 SPACES
SMALL CAR (5' x 9') = 16
HANDICAPPED = 6 SPACES
TOTAL PROVIDED = 94 SPACES
LOT AREA: 6.17 ACRES = 268,765.2 SQ. FT.
FOR ALLOTMENT: 42,657.6 SQ. FT. (107,500.8 SQ. FT.)
25% COVERAGE: 25 x 268,765.2 = 6,719,130.5 SQ. FT.
EXISTING BLDG AREA: 44,000 SQ. FT.
PROPOSED ADDITION: 17,256 SQ. FT.
TOTAL PROP. BLDG = 61,256 SQ. FT.

EXISTING TOPO
LOT NOS. 4 & 5
PLAT BOOK G.L.B. NO. 24, Folio 36
STAFFORD INDUSTRIAL SITE
LOT SIZE - 6.170 ACRES
ZONING - MR
DISTRICT - 8
TAX ACCT. NO. 0806000350
2301 YORK ROAD
BALTIMORE, MD 21215

PETITIONER'S
EXHIBIT 1

NO.	DATE	REVISION	BY
1	12-17-92	AMENDED SITE PLAN (PRIOR CASE #3903) TO ALLOW A (17,256 square foot) ONE STORY ADDITION	MT
2	12-17-92	PROPOSED ADDITION - BLDG. PARKWAY MACHINE CORP. 2301 YORK RD. BALTIMORE, MD	MT
3	12-17-92	TAPPER CONSTRUCTION CO. INC. BUILDING CONSTRUCTION SINCE 1922 4516 ROSTERTOWN ROAD BALTIMORE, MD 21215 (301) 357-5321	P



Romadha, Gont. B. McLaughlin, P.A.
LAW FIRM
8111 EMM HOLLOWAY
BETHESDA, MARYLAND 20814
TELEPHONE: (410) 686-8274
FAX: (410) 686-8118
*5/11/95
TO COUNCIL
PLEASE REVIEW*

ROBERT J. ROMADHA
JOHN B. GONTUM
J. MICHAEL McLAUGHLIN, JR.

ELIZABETH A. YARON
*Also admitted to Bar of Colorado

April 25, 1995

Arnold Jablon, Director
Zoning Administration and
Development Management Office
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Parkway Machine Corp.
York Road (2301)
RGM File No.: 94-3004
District: 863

RECEIVED
MAY 1 1995
ZADM

Speed
Limit

In the interest of speed and
efficiency, we are sending to you
this letter by registered mail.
If you "read" every letter, please
do not hesitate to call or write.
Thank you for your interest.

May 2, 1995

Dear John,

I would agree, provided that
the Director of the Office
of Planning and Zoning
would concur.

WCR
W. Carl Richards, Jr.
Zoning Supervisor

WCR:scj

c: #92-312-SPH
#91-189-SPH

Dear Mr. Jablon:

Approximately four years ago, Parkway Machine was before the Zoning Commissioner of Baltimore County on a petition to modify and improve development plan in an M.R. zone. At that time we were trying to determine whether pursuant to §240.3 of the Baltimore County Zoning Regulations referral to the Planning Board was necessary. A preliminary determination had been made by the planning office that referral to the Planning Board was important. Upon review of §240.3, however, it became apparent that what we were actually seeking was an amendment to an existing development plan, which had been filed and approved in a previous zoning case number 3903. Consequently, referral to the Planning Board was not deemed necessary. The case went on for special hearing at which time it was approved.

The business of Parkway Machine Corporation has fortunately been very successful over the last few years and has expanded rapidly to the point where they have now filed a new special hearing petition for an amendment to the approved site plan, which would add an additional 20,789 square feet to the existing building area of 61,236 square feet. A variance is being sought also from the lot coverage provisions of the M.R. zone. This variance is being sought because of the neighborhoods concern that the building not go up in height and because of the demography of the property. As a result because it is a single story the F.A.R. on the site is .25, and our proposed F.A.R. is .31.

As this is an amendment to a previous existing development plan as opposed to a new development plan for a use in an M.R. zone and since the use of the M.R. zone is not changing from that which has been previously approved, we did not believe that a referral to the Planning Board was necessary with respect to this matter.

Please let me know whether or not you believe this matter should be referred to the Planning Board based on the previous review and on the request at this time.

Very truly yours,

John B. Gontum
John B. Gontum

JBG/hjb

cc: Ed Kovens
Mel Tappier, Tappier Construction

10-12-95

*Per Jeff Lenny - 2005-001
addition in original plan
3,500 sq ft - showing to Plan
Board. Per Draft - 2005
have to go to Plan Board again*